

REMARKS

Claims 1-10, 15, and 16 are in the application. Claims 1-3, 5-7, 9, 10, 15, and 16 were previously presented; claims 4 and 8 remained unchanged from the original versions thereof; and claims 11-14, 17 and 18 have been cancelled. Claims 1, 15, and 16 are the independent claims herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Reconsideration and further examination are respectfully requested.

Claim Rejections Under 35 USC § 112, 1st Paragraph

Claims 1-18 were rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

Applicant respectfully submits that the pending claims (as presented and as currently amended) are enabling. Regarding the rejection under 35 USC 112, 1st paragraph, the Examiner alleges that the claims contain subject matter that was not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. In particular, the Examiner asserts that the specification lacks a description of how the claimed system (1) receives information from a government agency or news feed, (2) on a real time basis, and (3) determines the risk for a specific facility or resource.

Applicant respectfully directs the Examiner's attention to paragraph [0040] wherein the Specification discloses "[D]ata that describes one or more security risks for a selected element can be provided by the STM system 102 to the user. Generalized security risk data can be received from a security risk data source, which can include, for example, a government agency, a private investigation firm, public news, news feeds, internal security efforts, law enforcement agency or other source." Applicant respectfully submits that those of ordinary skill in the relevant arts would understand that data and information provided by a governmental agency, new feed, or other data,

content, or service provider may be provided and received according to a number and variety of different communication techniques, protocols and formats by a computer system. Moreover, Applicant does not claim a particular technique, method, or protocol for receiving the indication of a security risk. The claims are commensurate in scope with the Specification. It is not seen why the Examiner requests clarification of such a basic computer-implemented method and system concept. It is well established that computer systems can receive data and information for the purposes of, for example, storage, processing, manipulation, and presenting.

Also, it is commonly understood that receiving information on a real time basis must account for an acquisition and a delivery time required by a service provider (e.g., a government agency or news feed) to prepare the information for delivery. It is common sense and knowledge that a computer system or other entity cannot receive information from a service provider before it is acquired and prepared for delivery by the service provider. Thus, the specification is not ambiguous and is enabling regarding the security information being received on a real time basis.

Further, Applicant points out that the claims are not directed to a process of determining how a government agency or news feed determines a security risk level for a geographical region, city, building, or portion of a building. Suffice to say that there are government agencies equipped and trained to make such determinations. Applicant suggests that the particulars of how, for example, the FBI, CIA, Department of Homeland Security, and other local and regional law enforcement agencies determine a security risk are not currently claimed by Applicant. Accordingly, it is not seen why the Examiner rejects the Specification on such a basis.

Accordingly, Applicant respectfully requests that the rejection under 35 USC 112, 1st paragraph be reconsidered and withdrawn since the Specification is fully enabling for the claims.

Claim Rejections Under 35 USC § 112, 2nd Paragraph

Claims 1-10 were rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is respectfully traversed.

Applicant respectfully submits that the pending claims (as presented and currently amended) are definite and particularly point out and distinctly claim the subject matter Applicant claims as the invention. Applicant notes that the claim language corresponds very closely with the plain language of the Specification.

The Examiner rejects claim 1 on the basis that the phrase "wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm to the resource" is indefinite. Here, the Examiner is mistaken in that claim 1 does not state that the subject phrase is only for the second element. To the contrary, the claim clearly recites "a security risk associated with one or more of the first or second elements, wherein the indication of a security risk comprises at least one of: a potential for physical, reputational, economic or legal harm to the resource". This claim language does not restrict associating the recited risk to only either the first element or the second element. Furthermore, as the remainder of claim 1 and the Specification as a whole makes clear, the two recited elements are related by virtue of the recited hierarchical relationship therebetween. Thus, the relationship between the two recited elements and how they are each handled are fully explained in claim 1 and the Specification. (See paragraph [0040]) Thus, claim 1 is not indefinite.

Claim 2 was cited for being indefinite for failing to specify where the recited list is to be transmitted. The process of generating the list and transmitting the list is claimed in claim 2. The need to recite a destination for the transmission is not seen as necessary to the scope, understanding, or definiteness of the recited "transmitting" of the list.

Regarding claim 3, Applicant specifies that the first element comprising a physical facility or the second element subordinate to the first element is at least one of

physical boundary or a political boundary. Such claim recitations are supported by the Specification at least at paragraphs [0043] and [0044]. Thus, the claim language is consistent with the Specification. The Specification clearly and concisely defines what is referred to by the recited first element and the second element.

For at least the foregoing reasons, Applicant respectfully submits that the Examiner's assertion that the Specification is indefinite is improper and is further overcome by the Specification. Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection under 35 USC 112, 2nd paragraph.

Claim Rejections Under 35 USC § 103(a)

Claims 1-22 were rejected as being unpatentable over U.S. Patent No. 6,421,653 B1 (hereinafter, May) further in view of Dowd, Beyond Value At Risk: The New Science of Risk Management, 1998 (hereinafter, Dowd). This rejection is respectfully traversed.

Contrary to the Examiner's characterization thereof, Bavarina does not appear to set a hierarchical relationship between two or more elements where the first element is a facility and the second element is a resource located within the facility. As made clear by Applicant's claim language, the second element is subordinate to the first element. That is, per the claimed hierarchical relationship between the first and second elements, there is an order to the dependency between the two elements. However, neither the cited and relied upon FIGS. 8 and 15 nor paragraphs [0015], [0078], [0079], and [0110] disclose or suggest a hierarchical relationship between a first and a second element. The cited and relied upon figures merely list locations (e.g., Building 2120) and the names for the buildings (e.g., DLA HQ, etc.). There is no disclosed hierarchical relationship between the listed building locations, and no such hierarchical relationship is suggested or inferred by the disclosed listing.

The Examiner concedes that Bavarina fails to disclose information related to a security risk that is real time information and is from a government agency or news feed. Zimmers is cited and relied upon to compensate for the admitted lack of disclosure

provided by Baverina regarding the claims. In particular, Zimmers is cited and relied upon for disclosing real time weather related news feed information.

However, even if the disclosure of Zimmers were somehow combined with Baverina as asserted by the Examiner (not admitted as feasible by Applicant), the alleged combination would still fail to suggest, at least, the claimed hierarchical relationship between the claimed first and second elements. That is, the resulting combination would not render the claims 1, 15, and 16 obvious.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection under 35 USC 103(a) for at least the reason that Baverina and Zimmers fail to disclose or suggest the claimed hierarchical first and second elements. Claims 2-10 are believed patentable for at least the reasons presented regarding the patentability of claim 1.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date



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